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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 SANDRA YOLANDA  
9 SANDOVAL,

10 Plaintiff,

11 v.

12 COMMISSIONER OF SOCIAL  
13 SECURITY,

14 Defendant.

No. 1:16-CV-03168-RHW

**ORDER GRANTING  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT**

15 Before the Court are the parties' cross-motions for summary judgment, ECF  
16 Nos. 14 & 18. Plaintiff Sandra Yolanda Sandoval brings this action seeking  
17 judicial review, pursuant to 42 U.S.C. § 405(g), of the Commissioner's final  
18 decision, which denied her application for Supplemental Security Income under  
19 Title XVI of the Social Security Act, 42 U.S.C § 1381-1383F. After reviewing the  
20 administrative record and briefs filed by the parties, the Court is now fully  
informed. For the reasons set forth below, the Court **GRANTS** Defendant's

1 Motion for Summary Judgment and **DENIES** Plaintiff's Motion for Summary  
2 Judgment.

### 3 **I. Jurisdiction**

4 Ms. Sandoval protectively file an application for Supplemental Security  
5 Income on October 24, 2012. AR 183-198. Her alleged onset date is January 1,  
6 2006. AR 185. Ms. Sandoval's applications were initially denied on April 1, 2013,  
7 AR 105-08, and on reconsideration on June 5, 2013, AR 121-130.

8 A hearing with Administrative Law Judge ("ALJ") Mary Gallagher Dilley  
9 occurred on June 4, 2014. AR 32-68. On March 26, 2015, the ALJ issued a  
10 decision finding Ms. Sandoval ineligible for disability benefits. AR 13-29. The  
11 Appeals Council denied Ms. Sandoval's request for review on June 1, 2015, AR 1-  
12 4, making the ALJ's ruling the "final decision" of the Commissioner.

13 Ms. Sandoval timely filed the present action challenging the denial of  
14 benefits, on September 20, 2016. ECF No. 4. Accordingly, Ms. Sandoval's claims  
15 are properly before this Court pursuant to 42 U.S.C. § 405(g).

### 16 **II. Sequential Evaluation Process**

17 The Social Security Act defines disability as the "inability to engage in any  
18 substantial gainful activity by reason of any medically determinable physical or  
19 mental impairment which can be expected to result in death or which has lasted or  
20 can be expected to last for a continuous period of not less than twelve months." 42

1 U.S.C. §§ 423(d)(1)(A), 1382c(a)(3)(A). A claimant shall be determined to be  
2 under a disability only if the claimant's impairments are of such severity that the  
3 claimant is not only unable to do his previous work, but cannot, considering  
4 claimant's age, education, and work experience, engage in any other substantial  
5 gainful work that exists in the national economy. 42 U.S.C. § 1382c(a)(3)(B).

6 The Commissioner has established a five-step sequential evaluation process  
7 for determining whether a claimant is disabled within the meaning of the Social  
8 Security Act. 20 C.F.R. §§ 404.1520(a)(4) & 416.920(a)(4); *Lounsbury v.*  
9 *Barnhart*, 468 F.3d 1111, 1114 (9th Cir. 2006).

10 Step one inquires whether the claimant is presently engaged in "substantial  
11 gainful activity." 20 C.F.R. §§ 404.1520(b) & 416.920(b). Substantial gainful  
12 activity is defined as significant physical or mental activities done or usually done  
13 for profit. 20 C.F.R. §§ 404.1572 & 416.972. If the claimant is engaged in  
14 substantial activity, he or she is not entitled to disability benefits. 20 C.F.R. §§  
15 404.1571 & 416.920(b). If not, the ALJ proceeds to step two.

16 Step two asks whether the claimant has a severe impairment, or combination  
17 of impairments, that significantly limits the claimant's physical or mental ability to  
18 do basic work activities. 20 C.F.R. §§ 404.1520(c) & 416.920(c). A severe  
19 impairment is one that has lasted or is expected to last for at least twelve months,  
20 and must be proven by objective medical evidence. 20 C.F.R. §§ 404.1508-09 &

1 416.908-09. If the claimant does not have a severe impairment, or combination of  
2 impairments, the disability claim is denied, and no further evaluative steps are  
3 required. Otherwise, the evaluation proceeds to the third step.

4 Step three involves a determination of whether any of the claimant's severe  
5 impairments "meets or equals" one of the listed impairments acknowledged by the  
6 Commissioner to be sufficiently severe as to preclude substantial gainful activity.  
7 20 C.F.R. §§ 404.1520(d), 404.1525, 404.1526 & 416.920(d), 416.925, 416.926;  
8 20 C.F.R. § 404 Subpt. P. App. 1 ("the Listings"). If the impairment meets or  
9 equals one of the listed impairments, the claimant is *per se* disabled and qualifies  
10 for benefits. *Id.* If the claimant is not *per se* disabled, the evaluation proceeds to the  
11 fourth step.

12 Step four examines whether the claimant's residual functional capacity  
13 enables the claimant to perform past relevant work. 20 C.F.R. §§ 404.1520(e)-(f) &  
14 416.920(e)-(f). If the claimant can still perform past relevant work, the claimant is  
15 not entitled to disability benefits and the inquiry ends. *Id.*

16 Step five shifts the burden to the Commissioner to prove that the claimant is  
17 able to perform other work in the national economy, taking into account the  
18 claimant's age, education, and work experience. *See* 20 C.F.R. §§ 404.1512(f),  
19 404.1520(g), 404.1560(c) & 416.912(f), 416.920(g), 416.960(c). To meet this  
20 burden, the Commissioner must establish that (1) the claimant is capable of

1 performing other work; and (2) such work exists in “significant numbers in the  
2 national economy.” 20 C.F.R. §§ 404.1560(c)(2); 416.960(c)(2); *Beltran v. Astrue*,  
3 676 F.3d 1203, 1206 (9th Cir. 2012).

### 4 **III. Standard of Review**

5 A district court's review of a final decision of the Commissioner is governed  
6 by 42 U.S.C. § 405(g). The scope of review under § 405(g) is limited, and the  
7 Commissioner's decision will be disturbed “only if it is not supported by  
8 substantial evidence or is based on legal error.” *Hill v. Astrue*, 698 F.3d 1144,  
9 1158-59 (9th Cir. 2012) (citing § 405(g)). Substantial evidence means “more than a  
10 mere scintilla but less than a preponderance; it is such relevant evidence as a  
11 reasonable mind might accept as adequate to support a conclusion.” *Sandgathe v.*  
12 *Chater*, 108 F.3d 978, 980 (9th Cir.1997) (quoting *Andrews v. Shalala*, 53 F.3d  
13 1035, 1039 (9th Cir. 1995)) (internal quotation marks omitted). In determining  
14 whether the Commissioner’s findings are supported by substantial evidence, “a  
15 reviewing court must consider the entire record as a whole and may not affirm  
16 simply by isolating a specific quantum of supporting evidence.” *Robbins v. Soc.*  
17 *Sec. Admin.*, 466 F.3d 880, 882 (9th Cir. 2006) (quoting *Hammock v. Bowen*, 879  
18 F.2d 498, 501 (9th Cir. 1989)).

19 In reviewing a denial of benefits, a district court may not substitute its  
20 judgment for that of the ALJ. *Matney v. Sullivan*, 981 F.2d 1016, 1019 (9th Cir.

1 1992). If the evidence in the record “is susceptible to more than one rational  
2 interpretation, [the court] must uphold the ALJ's findings if they are supported by  
3 inferences reasonably drawn from the record.” *Molina v. Astrue*, 674 F.3d 1104,  
4 1111 (9th Cir. 2012); *see also Thomas v. Barnhart*, 278 F.3d 947, 954 (9<sup>th</sup> Cir.  
5 2002) (if the “evidence is susceptible to more than one rational interpretation, one  
6 of which supports the ALJ’s decision, the conclusion must be upheld”). Moreover,  
7 a district court “may not reverse an ALJ's decision on account of an error that is  
8 harmless.” *Molina*, 674 F.3d at 1111. An error is harmless “where it is  
9 inconsequential to the [ALJ's] ultimate nondisability determination.” *Id.* at 1115.  
10 The burden of showing that an error is harmful generally falls upon the party  
11 appealing the ALJ's decision. *Shinseki v. Sanders*, 556 U.S. 396, 409–10 (2009).

#### 12 **IV. Statement of Facts**

13 The facts of the case are set forth in detail in the transcript of proceedings  
14 and only briefly summarized here. Mr. Sandoval was born in 1987. AR 184. She  
15 has experienced several traumatic events in her lifetime. She reports a history of  
16 verbal and physical abuse. AR 277, 307, 467. When she was eight years old, her  
17 older sister shot and killed their mother. AR 18, 262, 265. Ms. Sandoval witnessed  
18 the aftermath of the shooting, and she reports that she still has nightmares of this  
19 experience. AR 46. Her sister committed suicide in 2012, and at the time of her  
20 hearing, Ms. Sandoval stated that her father has terminal cancer. AR 52.

1 Ms. Sandoval has five children. AR 18, 277. The oldest three were adopted,  
2 and the younger two live in Seattle with their father who has filed a no contact  
3 order against Ms. Sandoval. AR 41-43, 49. During the birth of her youngest child,  
4 she had complications that required a hysterectomy. AR 307.

5 Ms. Sandoval also has a history of significant drug use, including  
6 methamphetamine and cocaine. AR 277. She was introduced to drugs at age 10 or  
7 11 by the same sister that killed their mother. AR 18, 46. She testified that she uses  
8 methamphetamine on weekends or when she is really depressed, she uses  
9 methamphetamine every other day. AR 42. She reported being clean for a period of  
10 approximately five years when she lived in Seattle, but since the beginning of  
11 2013, she has used methamphetamine frequently. AR 48-49, 52.

12 Ms. Sandoval suffers from multiple mental impairments, substance abuse,  
13 urinary tract infections, and obesity. AR 15. She also reports chronic pelvic pain  
14 and numbness in her right leg since her hysterectomy. AR 44, 307.

15 Ms. Sandoval has very limited education and work history. She told an  
16 examining physician that worked around 2006 for two weeks sorting fruit before  
17 she quit due to pregnancy. AR 308. She attended school through eighth grade. AR  
18 40. She has trouble reading complicated words and cannot subtract, divide, or  
19 multiply numbers. *Id.*

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## V. The ALJ's Findings

The ALJ determined that, because substance use disorder is a contributing factor material to the determination of disability, Ms. Sandoval was not under a disability within the meaning of the Act from the date the application was filed through the date of the ALJ's decision. AR 29.

**At step one**, the ALJ found that Ms. Sandoval had not engaged in substantial gainful activity since October 24, 2012 (citing 20 C.F.R. §§ 416.920(b) & 416.971 et seq.). AR 15.

**At step two**, the ALJ found Ms. Sandoval had the following severe impairments: major depressive disorder, posttraumatic stress disorder, personality disorder, substance abuse, urinary tract infections, and obesity (citing 20 C.F.R. § 416.920(c)). AR 15.

At **step three**, the ALJ found that Ms. Sandoval did not have an impairment or combination of impairments that meets or medically equals the severity of one of the listed impairments in 20 C.F.R. § 404, Subpt. P, App. 1. AR 17.

**At step four**, the ALJ found Ms. Sandoval had the residual functional capacity to perform a less than a full range of light work with the following restrictions: (1) she could lift and/or carry 20 pounds occasionally and 10 pounds frequently; (2) she could stand and/or walk for about six hours in an eight-hour workday with normal breaks; (3) she could sit for about six hours in an eight-hour



1 workday with normal breaks; (4) she could frequently push/pull controls with her  
2 right upper and left lower extremity; (5) she could occasionally climb stairs and  
3 ramps; (6) she could never climb ropes, scaffolds, and ladders; (7) she could  
4 occasionally crouch, kneel, and crawl; (8) she could frequently balance; (9) she  
5 could occasionally stoop; (10) she could frequently handle and finger bilaterally  
6 and is right hand dominate; (11) she should avoid concentrated exposure to  
7 vibration and hazards; (12) she is able to perform simple, repetitive tasks; (13) she  
8 should have no contact with the public; (13) she could have occasional, superficial  
9 contact with co-workers; (14) she has loss of focus throughout the workday and  
10 would be nonproductive 30 percent of the time; (15) she would be absent two or  
11 more times per month; and (16) she could do reading and math at a third-grade  
12 level. AR 18.

13 The ALJ determined that Ms. Sandoval does not have any past relevant  
14 work. AR 19.

15 **At step five**, the ALJ found that, in light of her age, education, work  
16 experience, and residual functional capacity, including her substance use disorder,  
17 there are no jobs that exist in significant numbers in the national economy that she  
18 can perform. AR 20.

1           However, the ALJ found that Ms. Sandoval's substance use disorder is a  
2 contributing factor material to the determination of the disability because she  
3 would not be disabled if she stopped the substance use. AR 20-21.

4           The ALJ found, that if Ms. Sandoval stopped the substance use, she would  
5 have the residual functional capacity to perform a less than a full range of light  
6 work with the following restrictions: (1) she could lift and/or carry 20 pounds  
7 occasionally and 10 pounds frequently; (2) she could stand and/or walk for about  
8 six hours in an eight-hour workday with normal breaks; (3) she could sit for about  
9 six hours in an eight-hour workday with normal breaks; (4) she could frequently  
10 push/pull controls with her right upper and left lower extremity; (5) she could  
11 occasionally climb stairs and ramps; (6) she could never climb ropes, scaffolds,  
12 and ladders; (7) she could occasionally crouch, kneel, and crawl; (8) she could  
13 frequently balance; (9) she could occasionally stoop; (10) she could frequently  
14 handle and finger bilaterally and is right hand dominate; (11) she should avoid  
15 concentrated exposure to vibration and hazards; (12) she is able to perform simple,  
16 repetitive tasks; (13) she should have no contact with the public; (13) she could  
17 have occasional, superficial contact with co-workers; and (16) she could do  
18 reading and math at the third-grade level. AR 21-22.

19           The ALJ then found that, if Ms. Sandoval stopped her substance use,  
20 considering her age, education, work experience, and residual functional capacity,

1 in conjunction with testimony of a vocational expert, there would be a significant  
2 number of jobs in the national economy that she could perform. These include  
3 production assembler, housekeeper, and injection molding machine tender. AR 26.

## 4 **VI. Issues for Review**

5 Ms. Sandoval argues that the Commissioner's decision is not free of legal  
6 error and not supported by substantial evidence. Specifically, she argues the ALJ  
7 erred by: (1) erroneously concluding that Ms. Sandoval's substance abuse was a  
8 contributing factor material to the determination of disability; (2) improperly  
9 weighing the medical evidence; and (3) improperly rejecting Ms. Sandoval's  
10 symptom testimony. ECF No. 14 at 7.

## 11 **VII. Discussion**

### 12 **A. The ALJ's determination that Ms. Sandoval's substance abuse was a** 13 **contributing factor material to the determination of disability is** 14 **supported by substantial evidence.**

15 If a claimant is found disabled and there is medical evidence of a substance  
16 use disorder, the ALJ must determine if the substance use disorder is a contributing  
17 factor material to the determination of disability. 42 U.S.C. § 1382c(a)(3)(J).  
18 Where the medical record indicates drug addiction, the ALJ must evaluate "which  
19 of [the claimant's] current physical and mental limitations . . . would remain if  
20 [she] stopped using drugs or alcohol and then determine whether any or all of [the]

1 remaining limitations would be disabling.” 20 C.F.R. § 416.935(b)(2). If a  
2 claimant’s remaining limitations would not be disabling, the drug use is “a  
3 contributing factor material to the determination of disability.” 20 C.F.R. §  
4 416.935(b)(2)(i). An individual is not disabled pursuant to the Social Security Act  
5 where substance use is a contributing factor material to the determination of  
6 disability. 42 U.S.C. § 1382(a)(3)(J).

7 The ALJ found that Ms. Sandoval had “improved functioning at times when  
8 her substance abuse has not predominated.” AR 21. This is supported by the  
9 record.

10 In support of the finding, the ALJ references mental status examinations  
11 from July 10, 2013; August 29, 2013; November 27, 2013; and April 25, 2014, that  
12 show Ms. Sandoval’s “memory and intellectual functioning were unimpaired.” AR  
13 21, 463, 468, 472, 476. These findings, which reflect no evidence of drug use,  
14 contrast examinations during periods in which the record demonstrates that Ms.  
15 Sandoval was using drugs. For example, Ms. Sandoval complained of problems  
16 with concentration and focus and described her memory as “very bad” during an  
17 evaluation with consultative examiner Dr. Mary Pellicer, M.D. AR 307. This  
18 examination occurred in a period in which Ms. Sandoval was using drugs, as  
19 demonstrated by her chart on February 20, 2013, indicates she was using “street  
20

1 drugs,” AR 313, and a positive test for methamphetamine on April 4, 2013, AR  
2 321.

3 The Court will not disturb a finding supported by substantial evidence. *Hill*,  
4 698 F.3d at 1158-59. The ALJ’s determination that Ms. Sandoval’s substance  
5 abuse was a contributing factor material to the determination of disability is  
6 supported by substantial evidence.

7 **B. The ALJ did not err in evaluating the medical evidence.**

8 The Ninth Circuit has distinguished between three classes of medical  
9 providers in defining the weight to be given to their opinions: (1) treating  
10 providers, those who actually treat the claimant; (2) examining providers, those  
11 who examine but do not treat the claimant; and (3) non-examining providers, those  
12 who neither treat nor examine the claimant. *Lester v. Chater*, 81 F.3d 821, 830 (9th  
13 Cir. 1996) (as amended).

14 A treating provider’s opinion is given the most weight, followed by an  
15 examining provider, and finally a non-examining provider. *Id.* at 830-31. In the  
16 absence of a contrary opinion, a treating or examining provider’s opinion may not  
17 be rejected unless “clear and convincing” reasons are provided. *Id.* at 830. If a  
18 treating or examining provider’s opinion is contradicted, it may only be discounted  
19 for “specific and legitimate reasons that are supported by substantial evidence in  
20 the record.” *Id.* at 830-31. The ALJ may meet the specific and legitimate standard

1 by “setting out a detailed and thorough summary of the facts and conflicting  
2 clinical evidence, stating [his or her] interpretation thereof, and making findings.”  
3 *Magallanes v. Bowen*, 881 F.2d 747, 751 (9th Cir. 1989) (internal citation  
4 omitted).

5 **a. Dr. Aaron Burdge, PhD**

6 The ALJ gave little weight to the opinion of psychologist Dr. Burdge, who  
7 examined Ms. Sandoval in September 2012. AR 24, 277-81. This finding is based  
8 on specific and legitimate reasons supported by substantial evidence.

9 Critically, the ALJ correctly noted that Dr. Burdge did not have an accurate  
10 clinical picture of Ms. Sandoval’s substance use. AR 24. Dr. Burdge did not  
11 diagnose Ms. Sandoval with a substance use disorder, and noted that Ms. Sandoval  
12 reported being clean for 6 months. AR 277. He did not recommend chemical  
13 dependency assessment or treatment. AR 280. An ALJ may properly discredit a  
14 doctor’s opinion if it is contradicted by objective evidence or other findings.  
15 *Bayliss v. Barnhart*, 427 F.3d 1211, 1216 (9th Cir. 2005). The record demonstrates  
16 a long-standing, serious drug problem. Dr. Burdge’s opinion does not consider this,  
17 which significantly undermines the opinion.

18 Dr. Burdge opined marked restrictions in multiple areas, including:  
19 performing activities within a schedule, maintaining regular attendance, and being  
20 punctual within customary tolerances without special supervision; communicating

1 and performing effectively in a work setting; completing a normal work day and  
2 work week without interruptions from psychologically based symptoms; and  
3 maintaining appropriate behavior in a work setting. AR 279-80. Yet his mental  
4 status examination found Ms. Sandoval to have normal speech and to be  
5 cooperative, alert, and attentive, with occasional eye contact. AR 281. Further, her  
6 thought process and content, orientation, perception, memory, concentration, and  
7 abstract thinking were all within normal limits. AR 281. In addition, Ms.  
8 Sandoval's score on the Personality Assessment Inventory were invalid. AR 278.  
9 Dr. Burdge's clinical observations were inconsistent with the marked limitations he  
10 opined. Inconsistencies between a physician's opinion and the medical record are  
11 also sufficient grounds to reject a medical opinion. *See Tommasetti v. Astrue*, 533  
12 F.3d 1035, 1041 (9th Cir. 2008).

13 Ms. Sandoval takes issue with these findings by the ALJ, but the Court will  
14 not reverse a decision because it is available to multiple interpretations. *See*  
15 *Molina*, 674 F.3d at 1111 (finding that if the evidence in the record "is susceptible  
16 to more than one rational interpretation, [the court] must uphold the ALJ's findings  
17 if they are supported by inferences reasonably drawn from the record.")

18 **b. Dr. Mary Pellicer, MD**

19 The ALJ gave little weight to the portion of the opinion of Dr. Pellicer, who  
20 examined Ms. Sandoval on March 7, 2013, that Ms. Sandoval would require more

1 frequent breaks due to pelvic pain. AR 25, 312. As the ALJ notes, this is  
2 inconsistent with Dr. Pellicer's findings. An ALJ may properly discredit a doctor's  
3 opinion if it is contradicted by objective evidence or other findings. *Bayliss*, 427  
4 F.3d at 1216. Dr. Pellicer found 4/5 or 4/5 in all of the major muscle group testing,  
5 that Ms. Sandoval does not require an assistive device, and that she can squat  
6 "fairly normally." AR 311. While Ms. Sandoval did walk with a slight limp, AR  
7 309, 311, this does not appear to be related to her pelvic pain.

8 Dr. Pellicer believed this pelvic pain resulted from an ovarian cyst or chronic  
9 scarring from Ms. Sandoval's hysterectomy. AR 311. Dr. Pellicer, however, found  
10 Ms. Sandoval's abdomen free of masses. AR 309. Likewise, when she was treated  
11 for a urinary tract infection in September 2013, the hospital found no masses in her  
12 abdomen, and no reproducible pain was noted. AR 437.

13 Moreover, the record does not demonstrate significant treatment for pelvic  
14 pain, despite Ms. Sandoval's allegations that they are severely limiting. The only  
15 treatment sought for pelvic pain was due a fall down the stairs in July 2011. AR  
16 272. As the ALJ noted, "[c]onsidering the severity of [Ms. Sandoval's] complaints  
17 of pelvic pain, one would expect her to have sought medical relief to resolve such  
18 pain during the prior four years." AR 25.



1 The ALJ provided specific and legitimate reasons that are supported by  
2 substantial evidence in the record to reject Dr. Pellicer's limitations related to Ms.  
3 Sandoval's pelvic pain.

4 **C. The ALJ properly rejected Ms. Sandoval's symptom testimony.**

5 An ALJ engages in a two-step analysis to determine whether a claimant's  
6 testimony regarding subjective symptoms is credible. *Tommasetti*, 533 F.3d at  
7 1039. First, the claimant must produce objective medical evidence of an underlying  
8 impairment or impairments that could reasonably be expected to produce some  
9 degree of the symptoms alleged. *Id.* Second, if the claimant meets this threshold,  
10 and there is no affirmative evidence suggesting malingering, "the ALJ can reject  
11 the claimant's testimony about the severity of [his] symptoms only by offering  
12 specific, clear, and convincing reasons for doing so." *Id.*

13 In weighing a claimant's credibility, the ALJ may consider many factors,  
14 including, "(1) ordinary techniques of credibility evaluation, such as the claimant's  
15 reputation for lying, prior inconsistent statements concerning the symptoms, and  
16 other testimony by the claimant that appears less than candid; (2) unexplained or  
17 inadequately explained failure to seek treatment or to follow a prescribed course of  
18 treatment; and (3) the claimant's daily activities." *Smolen v. Chater*, 80 F.3d 1273,  
19 1284 (9th Cir. 1996).

1 The ALJ noted several inconsistencies between the record and Ms.  
2 Sandoval's testimony. For example, she stated that her right leg gives out and that  
3 she suffers from right side numbness, AR 44, yet she has not received any  
4 treatment for this. AR 23. "Unexplained, or inadequately explained, failure to seek  
5 treatment . . . can cast doubt on the sincerity of [a] claimant's pain testimony." *Fair*  
6 *v. Bowen*, 885 F.2d 597, 603 (9th Cir. 1989). Likewise, Ms. Sandoval's mental  
7 health records are inconsistent with her allegations. Numerous mental status  
8 examinations do not support disabling mental health conditions. *See, e.g.* AR 463,  
9 468, 472, 476. Moreover, she admitted on April 25, 2014, that even when she  
10 missed doses of her medication, she suffered no side effects. AR 464.

11 In particular, Ms. Sandoval has been extraordinarily inconsistent with  
12 reporting her drug use. She testified that she takes methamphetamine regularly  
13 since early 2013, AR 51-52, yet numerous records, including March 2013 and  
14 September 2013 indicate she denied drug use. AR 308, 436. Positive testing for  
15 methamphetamine in April 2013 further contradict her denials. AR 321.

16 There are numerous specific, clear, and convincing reasons provided by the  
17 ALJ for discounting Ms. Sandoval's subjective symptom testimony.

## 18 **VIII. Conclusion**

19 Having reviewed the record and the ALJ's findings, the Court finds the  
20 ALJ's decision is supported by substantial evidence and free from legal error.

1 Accordingly, **IT IS ORDERED:**

2 1. Plaintiff's Motion for Summary Judgment, **ECF No. 14**, is **DENIED**.

3 2. Defendant's Motion for Summary Judgment, **ECF No. 18**, is

4 **GRANTED**.

5 3. Judgment shall be entered in favor of Defendant and against Plaintiff.

6 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
7 Order, forward copies to counsel and **close the file**.

8 **DATED** this 4th day of December, 2017.

9  
10 *s/Robert H. Whaley*  
11 **ROBERT H. WHALEY**  
Senior United States District Judge